S.B.CR MISC. BAIL APPLICATION NO.3392/2006
S.B.CR MISC. BAIL APPLICATION NO.3393/2006

Date : 07.08.2006

HON'BLE MR. SATYA PRAKASH PATHAK,J.

Mr. Mukesh Patodia for the applicant.
Mr. V.R. Mehta, Public Prosecutor for State.

Both these matter under Section 439 Cr.P.C. have been filed pertaining to Criminal Regular Case No.541/2003, pending in the Court of learned Judicial Magistrate No.1, Bhilwara, as bail bonds of applicant were forfeited. Since, both the applications are filed by one and same applicant, arise out of same offence, they are being disposed of by this common order.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that in above two matters the accused applicant remained absconded for nearly 13 years, however, he prays that now he

may be given benefit of bail.

Learned Public Prosecutor has opposed the bail application.

A perusal of the impugned order indicates that trial in this case could not be completed for the reason that the applicant was absconding and if that is so, then, I am of the opinion that the applicant is not entitled to be given benefit of bail under Section 439 Cr.P.C. However, in the facts and circumstances of the case, I deem it proper to issue following instruction :

The learned trial court shall give priority to these matters and decide them as expeditious as possible as same are quite old.

With above observation, the bail applications stand dismissed.

(SATYA PRAKASH PATHAK), J.

vijayant